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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,831	12/27/2001	Theresia Lindner	P01,0595	1891

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EXAMINER	
NGUYEN, VAN H	
ART UNIT	**PAPER NUMBER**
2194	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/034,831	LINDNER ET AL.	
	Examiner	Art Unit	
	VAN H. NGUYEN	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *02 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 December 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the RCE filed on August 02 2005. Claims 1-20 are presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 02, 2005 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1-3, 6-8, and 11-15** rejected under 35 U.S.C. 103(a) as being unpatentable over **Sloman** "Network and distributed system management" pp. 303-347 in view of **Eschelbeck** (U.S. 6,553,378 B1). Sloman was provided by Applicant in the IDS filed March 11, 2002.

5. **As to claim 11,** Sloman teaches the invention substantially as claimed including a computerized method, comprising the steps of:

receiving, and storing at a first database which is connected to a network that includes a managed object, an event report due to a change in the status of the managed object *(significant changes in the status of an object...would have to be detected...status reports may be generated, stored; p. 339. See also pp. 340-341);*

checking at the first database if the event report comprises an identifier *(see the event report format and EFD identifier discussions beginning at p. 310 and p. 340, respectively);* and

forwarding the event report and storing the event report only if the event report comprises the identifier *(such report could then be sent to a different object; p.311. See also the forwarding reports discussion beginning at p. 340).*

Sloman does teach forwarding and storing the event report (in a backup destination). Sloman, however, does not specifically teach the use of a second database.

Eschelbeck teaches the use of a second database *(see fig. 5 and the accompanying test beginning at col.8, line 60).*

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Eschelbeck with Sloman because Eschelbeck's

teachings would have provided the capability for storing event report when the primary destination is unavailable and for maintaining the event reports for used at some time later.

6. As to claim 12, Sloman teaches generating the event report at the managed object when a set of event detection criteria is satisfied *(an event is the to have occurred when conditions, defined by event detection criteria, are satisfied; p.310).*

7. As to claim 13, Sloman teaches marking the event report, at the managed object with the identifier if a set of conditions is satisfied *(see the event report format and EFD identifier discussions beginning at p. 310 and p. 340, respectively).*

8. As to claim 14, Sloman teaches employing a set of conditions that is a subset of the set of event detection criteria as the set of conditions which must be satisfied for marking the event report with the identifier *(see the event detection and reporting discussion beginning at section 12.2.2, p. 310).*

9. As to claim 15, Sloman teaches monitoring the network with an agent-manager network management system, configuring an agent which resides on the managed object to generate and send the event report to a manager which resides at a Network Management Station which comprises the first database *(see fig. 12.12 and the accompanying text beginning at section 12.8.1, p. 337. see also the agent discussion beginning at section 12.3.4, p.316).*

10. **As to claim 1,** the rejection of claim 11 above is incorporated herein in full. Additionally, Sloman further teaches generating, at a managed object which is part of a monitored network, event report when a set of event detection criteria is satisfied *(see the generation of monitoring information beginning at section 12.2, p. 309);* marking the event

report with an identifier if a set of conditions is satisfied *(see the event report format and EFD identifier discussions beginning at p. 310 and p. 340, respectively).*

11. As to claims 2 and 3, refer to claims 14 and 15 above for rejection.

12. **As to claim 6,** the rejection of claim 11 above is incorporated herein in full. Additionally, Sloman further teaches generate an event report when a set of event detection criteria is satisfied *(see the generation of monitoring information beginning at section 12.2, p. 309);* mark the event report with an identifier if a set of conditions is satisfied *(see the event report format and EFD identifier discussions beginning at p. 310 and p. 340, respectively).*

13. As to claims 7 and 8, refer to claims 14 and 15 above for rejection.

14. **Claims 4-5, 9-10, and 16-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sloman** in view of **Eschelbeck** as applied to claim 11 above, and further in view of **Biondi et al.** (U.S. 6,839,753 B2).

15. As to claim 16, the combination of Sloman and Eschelbeck does not specifically teach the use of a medical device.

Biondi teaches a medical device *(medical devices; see the title and col.1, lines 46-59).*

It would have been obvious to one of ordinary skill in the art to combine Biondi's teachings in the system of Sloman as modified by Eschelbeck because Biondi's teachings would have provided a network monitoring system for medical devices for monitoring and collecting data, such as medical device settings, measured patient values, alarm conditions, and other data, from heterogeneous devices and displays the data at a central monitoring station.

16. As to claim 17, Sloman teaches generating the event report at the managed object when a set of event detection criteria is satisfied *(an event is the to have occurred when conditions, defined by event detection criteria, are satisfied; p.310).*

17. As to claim 18, Sloman teaches marking the event report at the managed object with the identifier if a set of conditions is satisfied *(see the event report format and EFD identifier discussions beginning at p. 310 and p. 340, respectively).*

18. As to claims 17-19, refer to claims 12-14 above for rejection.

19. As to claim 20, Sloman teaches employing a set of conditions related to components of the device as the set of conditions which must be satisfied for marking the event report with the identifier *(see the event detection and reporting discussion beginning at section 12.2.2, p. 310).* Refer to claim 16 above regarding the "the medical device."

20. As to claims 4 and 5, refer to claims 16 and 20 above for rejection.

21. As to claim 9, refer to claim 16 above for rejection.

22. As to claim 10, Biondi teaches the set of conditions is related to components of the medical device *(col.1, lines 46-59).*

Response to Arguments

23. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Brown (US 5857190 A) discloses "Event logging system and method for logging events in a network system."

-Singh et al (US 5758083 A) discloses "Method and system for sharing information between network managers."

25. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272 3765. The examiner can normally be reached on Monday-Thursday from 8:30AM – 6:00PM. The examiner can also be reached on alternative Friday.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM THOMSON can be reached on (571) 272-3718.

28. The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300.**

29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
Commissioner for patents
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Van H. Nguyen